

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

THE NEW YORK TIMES COMPANY,

Plaintiff,

v.

MICROSOFT CORPORATION, OPENAI, INC.,  
OPENAI LP, OPENAI GP, LLC, OPENAI, LLC,  
OPENAI OPCO LLC, OPENAI GLOBAL LLC,  
OAI CORPORATION, LLC, OPENAI  
HOLDINGS, LLC,

Defendants.

Case No. 1:23-cv-11195-SHS-OTW

**OPENAI DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY  
IN SUPPORT OF MOTION TO COMPEL**

Defendants Open AI, Inc., OpenAI L.P., OpenAI GP, L.L.C., OpenAI, L.L.C., OpenAI OpCo, L.L.C., OpenAI Global, L.L.C., OAI Corporation, L.L.C., and OpenAI Holdings, L.L.C. (collectively, "OpenAI"), by and through counsel, respectfully submit this Notice of Supplemental Authority to apprise the Court of a recent order that further supports Defendants' pending Letter Motion to Compel (Dkt. 124).

On June 24, 2024, in *Tremblay v. OpenAI, Inc.*, No. 23-cv-03223 (N.D. Cal.), the United States District Court for the Northern District of California granted OpenAI's nearly identical request to compel production. *See* Order Re: Fourth Discovery Dispute, *Tremblay*, No. 23-cv-03223, Dkt. 154 (attached hereto as Exhibit 1); *see also* Joint Letter Brief, *Tremblay*, No. 23-cv-03223, Dkt. 153. Specifically, the court granted "the request to compel the OpenAI account information for the individuals who used ChatGPT to investigate Plaintiffs' claims, and the prompts and outputs for Plaintiffs' testing of ChatGPT in connection with their pre-suit ChatGPT testing, including prompts and outputs that *did not* reproduce or summarize Plaintiffs' works or otherwise support Plaintiffs' claims, along with documentation of Plaintiffs' testing process." Ex. 1 at 7.

Dated: June 25, 2024

Respectfully Submitted,

By: /s/ Joseph R. Wetzel

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\* All parties whose electronic signatures are included herein have consented to the filing of this document, as contemplated by Rule 8.5(b) of the Court's ECF Rules and Instructions.